

JAMES P.C. SILVESTRI, ESQ.  
Nevada Bar No. 3603  
RYAN W. BIGGAR, ESQ.  
Nevada Bar No. 4535  
PYATT SILVESTRI  
701 Bridger Avenue, Suite 600  
Las Vegas, Nevada 89101  
(702) 383-6000  
(702) 477-0088 facsimile  
jsilvestri@pyattsilvestri.com  
Attorneys for Plaintiff,  
ALLSTATE FIRE AND CASUALTY  
INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ALLSTATE FIRE AND CASUALTY )  
INSURANCE COMPANY, )  
 )  
Plaintiff, )  
vs. )  
 )  
HEATHER DIAMOND, SUZETTE )  
BEHR and KODY FITZGERALD, )  
 )  
Defendants. )

CASE NO.: 2:14-cv-01044-GMN-VCF

**STIPULATION TO AMEND DISCOVERY PLAN AND SCHEDULING ORDER**  
**(First Request)**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rules 26-4 and 6-1, Plaintiff, ALLSTATE FIRE AND CASUALTY INSURANCE COMPANY, and Defendants, SUZETTE BEHR, KODY FITZGERALD, and HEATHER DIAMOND, request that the Discovery Cutoff date and other stipulated dates be extended and make this request for the following reasons set forth below. This is the parties' first request for an extension.

**A. DISCOVERY COMPLETED:**

The parties have completed the following discovery:

- a. The Plaintiff and Defendants Behr and Fitzgerald participated in an FRCP 26(f) conference on September 22, 2014;
- b. Plaintiff served its initial disclosures on October 10, 2014;
- c. Defendants Behr and Fitzgerald served their initial disclosures on October 13, 2014;
- d. Defendants Behr and Fitzgerald served Requests for Production of Documents on Plaintiff on November 18, 2014 and Plaintiff will be responding to same.
- e. Plaintiff served Interrogatories, Requests for Admissions and Requests for Production of Documents on all the Defendants on December 5, 2014.

**B. DISCOVERY REMAINING:**

4. Discovery that remains outstanding:

- a. The parties anticipate (but shall not be limited to):
  - i. Depositions of all the parties;
  - ii. Designation of initial expert(s);
  - iii. Depositions of any experts designated by the parties;
  - iv. Designations of rebuttal expert(s)(if any); and
  - v. Further written discovery.

**C. REASONS FOR REQUESTED EXTENSION**

The parties stipulate and request a brief extension of the current discovery deadlines for the following reasons:

1. The parties are diligently completing written discovery and anticipate disclosing experts and are coordinating a deposition schedule very shortly after that time.
2. There are currently four (4) Motions pending before this Court:
  - a. Defendants, Behr and Fitzgerald's Motion to Dismiss filed as Document 7 on August 14, 2014.
  - b. Defendants, Behr and Fitzgerald's Rule 11 Motion for Sanctions filed as Document 11 on September 11, 2014.

c. Defendant, Diamond's Motion to Dismiss filed as Document 17 on October 20, 2014.

d. Plaintiff, Allstate's Motion for Leave to Supplement Opposition to Defendants Behr and Fitzgerald's Motion to Dismiss filed as Document 20 on December 4, 2014.

These Motions may bear materially on the nature and scope of future proceedings and discovery, and none of the Defendants has answered the Complaint to date.

**D. AMENDED DISCOVERY PLAN**

The parties stipulate and agree to amend the discovery deadlines [as set forth in the Joint Discovery Plan and Order, dkt. # 13] filed September 25, 2014 as follows:

**1. Discovery Cut-Off Date:**

The parties request that discovery be continued from February 10, 2015 to **April 10, 2015**.

**2. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):**

The parties request that the deadline to disclose Initial Experts be extended from December 12, 2014 to **February 12, 2015**.

The parties request that the deadline to disclose Rebuttal Experts be extended from January 12, 2015 to **March 12, 2015**.

**3. Dispositive Motions:**

The parties request that the deadline for dispositive motions be extended from March 12, 2015 to **May 12, 2015**.

**4. Pretrial Order:**

The parties request that the Pretrial Order be continued from April 10, 2015 to **June 10, 2015**. In the event dispositive motions are filed, or unless otherwise ordered by the Court, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after decision on the discovery motions or further order of the Court.

///

///

**5. Interim Status Reports:**

The parties request that the filing of the Joint Interim Status Report scheduled for December 11, 2014, be continued for the reasons above. In accordance with Local Rule 26-3, an Interim Status Report will be filed by the parties with the Court sixty (60) days prior to the discovery cut-off date, and therefore, no later than **February 10, 2015**.

DATED this 10<sup>TH</sup> day of December, 2014

PYATT SILVESTRI

CHRISTENSEN LAW OFFICES LLC

By: s/: James Silvestri  
JAMES P.C. SILVESTRI, ESQ.  
Nevada Bar No. 3603  
701 Bridger Avenue, Suite 600  
Las Vegas, Nevada 89101  
Attorney for Plaintiff


By: s/: Kurt Anderson  
KURT ANDERSON, ESQ.  
Nevada Bar No. 000093  
1000 S. Valley View Blvd.  
Las Vegas, Nevada 89107  
Attorney for Defendants  
SUZETTE BEHR and KODY FITGERALD

By: s/: Jared B. Anderson  
JARED B. ANDERSON, ESQ.  
Nevada Bar No. 9747  
2301 Palomino Lane  
Las Vegas, Nevada 89107  
Attorney for Defendant  
HEATHER DIAMOND

This stipulation was filed as a motion on the docket. Motions are normally briefed in the ordinary course pursuant to LR 7-2. Stipulations should be filed as stipulations on the docket to avoid any delays in processing.

**ORDER**

**IT IS HEREBY ORDERED.**

  
\_\_\_\_\_  
United States Magistrate Judge  
Dated this 13th day of January, 2015